

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,  
PLAINTIFF,

CASE NO.:16-799 (ADC)

v.

JAIME A. TORRES-SANTELL,  
DEFENDANT.

**MOTION TO COMPEL DISCOVERY**

COMES NOW, the Defendant, Jaime A. Torres-Santell (“Mr. Torres-Santell”), through the undersigned attorney, and pursuant to Federal Rules of Criminal Procedure 16(a)(e) and 12(b)(3)(E) moves this Court to compel the Government to produce the following documents and information in relation to the investigation and arrest of Mr. Jaime Torres-Santell:

- 1) The Search Warrant referenced in the Department of Homeland Security Enforcement Operation Plan;
- 2) The Arrest Warrant referenced in the Department of Homeland Security Enforcement Operation Plan;
- 3) Information regarding the alleged anonymous tip received by PRPD Lieutenant Isaac Melendez Almodovar including, but not limited to:
  - a. When tip was received;
  - b. Manner in which tip was received;
- 4) PRPD Confidential Call Policy and Procedure Manual;
- 5) PPR-598: General Complaint Report (Informe General de Querella)
- 6) Daily Incident Report (Informe diario de incidentes);
- 7) PPR-84: Complaint Card (Tarjeta de querellas);
- 8) PRPD Lieutenant Isaac Melendez Almodovar’s notes regarding the anonymous information he received (Nombre y notas del agente investigador- borrador);
- 9) PPR 785: Confidential Phone Call Report (Informe de Llamadas Confidenciales);
- 10) PPR 126: Search Warrant (Orden de allanamiento);
- 11) Logs of seized items during search warrant;

- 12) PPR 853: Working plan or Operational Plan (Plan de trabajo);
- 13) PPR 65: Special Complaint Reports (Informe de querellas especiales);
- 14) PPR 239: Daily Driver Log (Informe diario del conductor) of any vehicle used in the surveillance, execution of the search warrant, and arrest of Mr. Jaime Torres-Santell, but not limited to:
  - a. PRPD Agent Oscar Rodriguez Moreno (26808);
  - b. PRPD Lieutenant Isaac Melendez Almodovar.

### **FACTS RELEVANT TO THIS MOTION**

1. Mr. Torres-Santell is currently charged with possession of a firearm by a prohibited person, a violation of 18 U.S.C., Section 922(g)(1).
2. Mr. Torres-Santell was arrested on December 15, 2016, as the result of an HIS Enforcement Operation Plan and an anonymous tip, at a parking lot across the street from the Salinas Municipal Police Station, by officers from the Puerto Rico Police Department (PRPD) Strike Force Unit and agents from Homeland Security Investigations (HIS) Ponce unit.

### **LEGAL ARGUMENT**

Mr. Torres-Santell is entitled to the requested items pursuant to the federal rules of discovery. Specifically, FRCP 16(a)(E)(i-iii) provides, in part, that upon the defendant's request, the government must permit him to inspect and to copy any item within the government's possession, custody, or control and:

- (i) the item is material to preparing the defense;
- (ii) the government intends to use the item in its case-in-chief at trial; or
- (iii) the item was obtained from or belongs to the defendant.

This information is material to Mr. Torres-Santell's ability to prepare a defense. Under appropriate circumstances, an anonymous tip can demonstrate "sufficient indicia of reliability to provide reasonable suspicion to make an investigatory stop." *Alabama v. White*, 110 S.Ct. 2412 (1990). Still, the reasonable suspicion necessary to justify an investigative stop is dependent upon both the content of the information possessed by police and its degree of reliability. *Navarette v. California* 134 S.Ct. 1683 (2014). The requested items will shed

light on the circumstances surrounding Mr. Torres-Santell's arrest and the reliability of the anonymous tip that served as the basis for the stop.

WHEREFORE, because defense counsel's numerous attempts<sup>1</sup> to obtain these items from the Government have been unsuccessful, and pursuant to FRCP 16(a)(1)(E), *Brady*, *Kyles* and *Giglio*, Mr. Torres-Santell respectfully requests this Court grant this Motion. If, however, this Court is inclined to deny this motion, Mr. Torres-Santell respectfully requests he be granted a hearing on the motion before any ruling is made.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 11 day of May, 2017.

**ERIC A. VOS, ESQ.**  
**Federal Public Defender**  
**District of Puerto Rico**

S/JUAN J. MICHELEN  
Juan J. Michelen,  
Assistant Federal Public Defender,  
USDC-PR G02601  
241 F.D. Roosevelt Avenue  
San Juan, PR 00918-2305  
Phone No. (787) 281-4922  
[Juan\\_Michelen@fd.org](mailto:Juan_Michelen@fd.org)

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<sup>1</sup> In accordance with the local rules.